



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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MAY 19 2014

Jason Workman
Director, Office of Program Development
Federal Highway Administration-West Virginia
Geary Plaza, Suite 200
700 Washington St. E
Charleston, West Virginia 25301

Jeanette Mar
Del Mar Division
Federal Highway Administration
10 South Howard Street
Baltimore, Maryland

Re: US 220, NHS Corridor between I-68 and Corridor H, Tier 1 Final Environmental Impact Statement; Maryland and West Virginia; CEQ # 20140109

Dear Mr. Workman and Ms. Mar:

In accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, and the Council on Environmental Quality regulations, 40 CFR Parts 1500-1508, the United States Environmental Protection Agency (EPA), has reviewed the Final Tier 1 Environmental Impact Statement (Tier 1 FEIS) for the above referenced project. The approximate 40 mile proposed highway project would involve connecting Interstate 68 (I-68) near Cumberland, Maryland and one of the proposed interchanges on Corridor H in West Virginia. The project is located in Grant, Hardy, Hampshire and Mineral Counties in West Virginia, and Allegany County in Maryland.

EPA agreed to be a cooperating agency on this project on June 14, 2006. As a cooperating agency EPA has provided numerous comments on this project, including on the preliminary Draft EIS in email on November 18, 2010, the Draft EIS in comment letter dated October 28, 2011, and additional letters dated January 2, 2013 and July 31, 2013. In EPA's October 28, 2011 letter, EPA rated each of the action alternative corridors evaluated in the Draft EIS as Environmental Objections ("EO") and the adequacy of the document as "2" (insufficient information).

The Tier 1 FEIS analyzes four alternatives, including the no build alternative, Corridor B, Corridor C, and Corridor D. The preferred alternative has been identified as Corridor B with either its connection to I-68 or the northern spur of Corridor D that connects to I-68 in Maryland. It is also noted that future upgrades and improvements to existing US 220 may occur and any of those upgrades and improvements will be advanced as separate projects with their own NEPA documentation. During Tier 2, several alternatives will be developed and analyzed within the preferred corridor, including a system upgrade of existing roads and highways throughout the corridor, transportation systems management strategies, and potential new highway alignments.

The Tier 1 FEIS includes several commitments on the detailed studies, additional public and agency coordination, and additional avoidance and minimization measures that will be included in Tier 2. These Tier 2 commitments are captured in Table P-1. EPA feels that the inclusion of the public and agency involvement commitments are critical to ensure that public and resource agency comments have or will be adequately addressed. EPA appreciates efforts taken to memorialize these critical commitments moving out of the Tier 1 phase. It is understood that unresolved comments and issues, some of which are detailed on pages P-13-17, will be addressed in subsequent NEPA documentation and upcoming Tier 2.

Of these commitments, FHWA proposes to, if necessary, to avoid environmental, cultural, and socioeconomic resources, expand the 4,000-foot corridor width being studied in Tier 1 for the Tier 2 process. This commitment may enable the development of Dans Mountain Wildlife Management Area (WMA) avoidance and minimization alternatives. EPA supports FHWA's commitment to investigate meaningful alternatives and avoidance and minimization measures to reduce potential adverse impact to the Dans Mountain WMA. We are hopeful that the proposed technique of expanding the corridor width will lead to the desired reduction of adverse impacts to the WMA. EPA fully anticipates being engaged with FHWA, Maryland State Highway Administration, and other federal, state and local resource agencies during alternatives development and during detailed reviews and discussions on avoidance and minimization. In the event that corridor expansion is unable to fulfill avoidance and minimization needs, EPA expects continued coordination with resource agencies and additional consideration of whether other measures or alternatives may achieve the least environmentally damaging practicable alternative.

EPA believes that with careful analysis and selection of alignment, environmental objections could be reduced. We recognize the complexity of the analysis needed and difficulty in balancing impacts to natural resources, farmland and communities for any build alternative. EPA emphasizes that seeking input of the interagency team, through continued interagency meeting and coordination, is an effective and necessary step to assist with assessment of resources while developing ideas for avoidance, to improve project outcome. EPA looks forward to the continued interagency involvement in the Tier 2 process and any subsequent NEPA study. We would appreciate the opportunity to discuss the comments provided here, at your convenience.

Thank you for allowing EPA with the opportunity to review and comment on the Tier One Final EIS for US 220. If you have questions regarding these comments, the contact for this project is Ms. Alaina McCurdy; she can be reached at (215) 814-2741.

Sincerely,



Jessica Martinsen
Acting Associate Director
Office of Environmental Programs

cc Ray Li, USFWS
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